

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE BED BATH & BEYOND INC.  
SECTION 16(b) LITIGATION

Case No. 1:22-cv-09327-PGG

**DECLARATION OF JEFFREY S. ABRAHAM**

I, Jeffrey S. Abraham, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner of Abraham, Fruchter & Twersky, LLP, counsel to Plaintiff Todd Augenbaum. I submit this declaration in opposition to Defendants' motion to dismiss.

2. Attached hereto as Exhibit A is a true and correct copy of historical stock price information for Bed Bath and Beyond ("BBBY" or the "Company") for the period of August 18, 2022 to August 31, 2022 taken from Yahoo! Finance.

3. Attached hereto as Exhibit B is a true and correct copy of a Form 8-K filed by BBBY with the U.S. Securities and Exchange Commission (the "SEC") on December 23, 2022.

4. Attached hereto as Exhibit C is a true and correct copy of a Form 8-K filed by BBBY with the SEC on February 14, 2023.

5. Attached hereto as Exhibit D is a true and correct copy of the members of BBBY's Board of Directors excerpted from a preliminary proxy statement the Company filed with the SEC on March 17, 2023.

6. Attached hereto as Exhibit E is Exhibit 99.1 to a Form 8-K filed by BBBY with the SEC on January 6, 2022.<sup>1</sup>

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<sup>1</sup> <https://www.sec.gov/ix?doc=/Archives/edgar/data/0000886158/000088615822000004/bbby-20220106.htm>

7. Attached hereto as Exhibit F is a true and correct excerpt from a Schedule 14A filed by BBY with the SEC on June 1, 2022.

8. Attached hereto as Exhibit G is a true and correct copy of a report published by the U.S. House Committee on Financial Services in June 2022 titled “Game Stopped: How the Meme Stock Market Event Exposed Troubling Business Practices, Inadequate Risk Management, and the Need for Legislative and Regulatory Reform” retrieved from [https://financialservices.house.gov/uploadedfiles/6.22\\_hfsc\\_gs.report\\_hmsmeetbp.irm.nlrf.pdf](https://financialservices.house.gov/uploadedfiles/6.22_hfsc_gs.report_hmsmeetbp.irm.nlrf.pdf).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 24, 2023.

/s/ Jeffrey S. Abraham  
Jeffrey S. Abraham